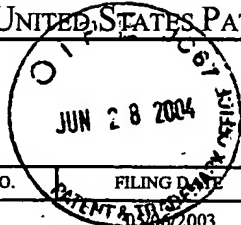




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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/430,478	03/25/2004	Steven M. Moilanen	614359/82643	3830

7590
Barnes & Thornburg
600 One Summit Square
Fort Wayne, IN 46802

EXAMINER

CHIN, PAUL T

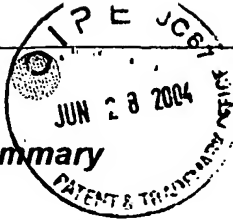
ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary



Application No.

10/430,478

Applicant(s) **SW**

MOILANEN ET AL.

Examiner

PAUL T. CHIN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) 4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 May 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election of the species of Group II (Figs. 6, 7, 11A-G) and further the species of Figs. 19A-E (Group F), in Paper No. 5 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). It is pointed out that Figs. 5 and 10 are also included in the original Group II (Fig. 5-7, 10, and 11A-G), readable on claims 1-3 and 5.
2. Claim 4, which refers to a stationary second jaw (Figs. 26A,B), is withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected election of species there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 6.
3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Priority

4. This application is claiming the benefit of a prior filed nonprovisional application under 35 U.S.C. 120, 121, or 365(c). Copendency between the current application and the prior application is required. Applicant is claiming a "Domestic Priority" the benefit of PRO 60/027,668, filed October 8 (instead of October 7), 1996, and the benefit of PRO 60/039,088, filed March 14, 1997, which expires on March 14, 1998. Applicant filed 08/981,863 on August

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4, 1998, which is after one year of the expired date of PRO 60/027,668. Therefore, it appears that the benefit of "Domestic Priority" is denied (unless applicant explains or proves other related applications.

Information Disclosure Statement

5. The information disclosure statement (IDS) submitted on June 25, 2003, was filed and the submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Specification

6. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

7. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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9. Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Blatt et al. (4,518,187).

Blatt et al. (4,518,187) discloses a gripper comprising a body (Fig. 1) having a fluid driven actuator (25); a jaw member (47) being pivotal within a plane; and further having a closed-end slot (61,63) having two segments; and a pin (69,39) extending into the slot of the jaw member; and a pivotal second jaw member (45) having a closed-end slot (61,63).

10. Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Valentine (4,529,182).

Valentine (4,529,182) discloses a gripper comprising a body (Fig. 1) having a fluid driven actuator (56,52); a jaw member (69) being pivotal within a plane; and further having a closed-end slot (70) (Fig. 1); and a pin (68) extending into the slot of the jaw member; and a pivotal second jaw member (69) having a closed-end slot;

11. Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Jones et al. (5,248,177).

Jones et al. (5,248,177) discloses a gripper comprising a body (Fig. 1) having a fluid driven actuator (30); a jaw member (16) being pivotal within a plane; and further having a closed-end slot (Fig. 7); and a pin (40) extending into the slot of the jaw member; and a pivotal second jaw member having a closed-end slot.

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12. Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Jackson (5,085,480).

Jackson (5,085,480) discloses a gripper comprising a body (Fig. 1) having a fluid driven actuator (30); a jaw member (154) being pivotal within a plane; and further having a closed-end slot (158) (Fig. 8); and a pin (108,11) extending into the slot of the jaw member; and a pivotal second jaw member (152) having a closed-end slot.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL T. CHIN whose telephone number is (703) 305-1524. The examiner can normally be reached on MON-THURS (7:30 -6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EILEEN LILLIS can be reached on (703) 308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in cursive script, appearing to read "Paul Chin".

PAUL T. CHIN
Examiner
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